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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,583	03/08/2001	Christopher Keith	0505-4005	7000
24259	7590	11/30/2005		
BRENDA POMERANCE LAW OFFICE OF BRENDA POMERANCE 260 WEST 52 STREET SUITE 27B NEW YORK, NY 10019			EXAMINER LIVERSEDGE, JENNIFER L	
			ART UNIT 3628	PAPER NUMBER

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/801,583	KEITH, CHRISTOPHER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer Liversedge	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/801,583 (March 3, 2001) filed on August 1, 2005.

The amendment contains amended claims: 1 and 12

The amendment contains original claims: 2-11 and 13-26

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 5,101,353 to Lupien et al. (further referred to as Lupien).

Re Claim 1: Lupien discloses: A method of facilitating trading among a set of Processes having respective owners, comprising: automatically via a computer (see Fig 1), operating at least one of the processes (see col 5, lines 51-53 and Fig 7) according to an order processing methodology by

(a) retrieving a decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy, each rule having at least one

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condition and at least one action to be taken when the condition is satisfied (see col 3, lines 43-45 and col 6, lines 41-45), the at least one action selected by the owner of the process from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table (col 3, lines 23-29; col 6, lines 41-45 and lines 66-68; col 7, lines 15-26 and lines 39-43; col 9, lines 48-55; col 10, lines 1-8; col 11 lines 10-20, 34-37 and lines 66-68) and

(b) automatically evaluating whether the at least one condition for each of the rules is satisfied, and for each of the rules having a satisfied condition, automatically, via a computer, configuring the at least one process to act on the at least one action (see col 10, lines 24-68 and col 11, lines 1-10).

Re Claim 2: Lupien further discloses that wherein the at least one process is a trading process (i.e. buy and sell, see abstract).

Re Claim 3: Lupien further discloses that wherein the at least one process is a market process (i.e. price fluctuation upward or downward, see abstract).

Re Claim 4: Lupien further discloses that wherein the at least one condition is based on order characteristics (i.e. the basic investment characteristics, see col 4, lines 60-65).

Re Claim 5: Lupien further discloses that wherein the at least one condition is based

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on market characteristics (i.e. the fundamental investment characteristics, see col 5, lines 15-17).

Re Claim 6: Lupien further discloses that wherein the decision table includes a holding tank for storing at least one order waiting for a market related event (see col 10, lines 24- 68 and col 11, lines 1-10).

Re Claim 7: Lupien further discloses that wherein the automatically evaluating includes assigning a value to a parameter (i.e. size, order, limit, see Fig 4).

Re Claim 8: Lupien further discloses that wherein the automatically evaluating includes transferring to another rule (see col 3, lines 28-34).

Re Claim 9: Lupien further discloses that wherein at least one of the rules also specifies a time for acting on its at least one action (see col 10, lines 1-7).

Re Claim 10: Lupien further discloses that wherein the at least one action in at least one of the rules is a wait operation (i.e. based on the market fluctuation, see claim 10).

Re Claim 11: Lupien further discloses that wherein the set of trading processes includes at least two market processes (i.e. price fluctuation upward or downward, see claim 10) and at least two trading processes (i.e. buy and sell, see abstract) and is

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operative on a platform that enables the trading processes to communicate in a standardized manner (see abstract).

Re Claim 12: Lupien discloses: A method of facilitating trading, comprising:

auAutomatically, via a computer, retrieving, at an order handling process operated on behalf of a process owner that is one of a plurality of process owners, a decision table representing an order processing methodology, the decision table having at least two rules specifying at least one of a discovery strategy and an order handling strategy (see col 3, lines 43-45 and col 6, lines 41-45), each rule having at least one condition and at least one action to be taken when the condition is satisfied (see col 10, lines 25-68 and col 11, lines 1-10), the at least one action selected by the process owner from the group comprising (i) generating an order, (ii) obtaining more information, and (iii) evaluating another rule in the decision table (col 3, lines 23-29; col 6, lines 41-45 and lines 66-68; col 7, lines 15-26 and lines 39-43; col 9, lines 48-55; col 10, lines 1-8; col 11 lines 10-20, 34-37 and lines 66-68) and

automatically, via a computer, applying, at the order handling process, the decision table to process an order when a specified event occurs (see col 10, lines 25-68 and col 11 1, lines 1-10).

Re Claim 13: Lupien further discloses that wherein the order handling process is a trading process (i.e. buy and sell, see abstract).

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Re Claim 14: Lupien further discloses that wherein the order handling process is a market process (i.e. price fluctuation upward or downward, see abstract).

Re Claim 15: Lupien further discloses that wherein the at least one condition is based on order characteristics (i.e. the basic investment characteristics, see col 4, lines 60-65).

Re Claim 16: Lupien further discloses that wherein the at least one condition is based on market characteristics (see col 10, lines 24-68 and col 11, lines 1-10).

Re Claim 17: Lupien further discloses that wherein the decision table includes a holding tank for storing at least one order waiting for a market related event (see col 10, lines 24-68 and col 11, lines 1-10).

Re Claim 18: Lupien further discloses that wherein the decision table includes, in at least one of a condition and an action of at least one of the rules, a nested decision table (see abstract and see col 10, lines 24-68).

Re Claim 19: Lupien further discloses that wherein the rules define a sequence of actions to be taken using explicit control instructions (see col 10, lines 24-68 and col 11, lines 1-10).

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Re Claim 20: Lupien further discloses that wherein the at least one action is to request information from an order room (i.e. registered broker/dealer, see col 11, lines 38-42).

Re Claim 21: Lupien further discloses that wherein the at least one action is to transfer to another rule (see col 3, lines 28-34).

Re Claim 22: Lupien further discloses that wherein the specified event is receiving of an order (see col 3, lines 28-34).

Re Claim 23: Lupien further discloses that wherein the specified event is completing price discovery (see Fig 4).

Re Claim 24: Lupien further discloses that wherein the specified event is receiving a bid or offer relating to an order handled by the order handling process (see Fig 4).

Re Claim 25: Lupien further discloses that wherein the specified event is receiving notice of a price improvement opportunity (see col 3, lines 28-34).

Re Claim 26: Lupien further discloses that wherein the specified event is reporting execution of an order (see col 3, lines 28-34).



***Response to Arguments***

Applicant's arguments filed regarding 35 USC § 102 have been fully considered but they are not persuasive. In Applicant's remarks, Applicant suggests that Lupien fails to show or suggest that the action-to-be-taken (generating an order, obtaining more information, and evaluating another rule) is selected by the respective owner of the process and that instead Lupien only allows for the automated process as provided by the computer system. However, the Applicant is advised to review the cited art in response to the amendments to claims 1 and 12 as shown in the present Office Action. Lupien discloses a system which enables users who are so inclined to take advantage of the computer system for trading, such that their involvement in the decision process is not required. However, Lupien further discloses wherein client involvement and activity within the trading process is on a proactive level, in which the computer is not relied upon for decision making. In this manner, the action-to-be-taken is selected by the respective owner of the process with regards to generating an order, obtaining more information, and evaluating another rule as part of the trading process.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Conclusion***

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached at 571-272-6799. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER  
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Jennifer Liversedge

Examiner

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